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8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**

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11 AMY RICE,) Case No.:
12 Plaintiff,) **ERISA COMPLAINT**
13 v.)
14 CISCO SYSTEMS, INC.,)
15 Defendant.)
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20 **Parties**

21 1. Plaintiff resides in Cumming, Georgia and brings this action pursuant to
22 the Employee Retirement Income Security Act of 1974, 29 U.S.C. §1001 *et. seq.*
23 (“ERISA”).

24 2. Plaintiff’s husband works for Cisco Systems Inc., a California corporation
25 headquartered in San Jose, California. As a benefit of his employment, Plaintiff’s
26 husband had health benefits under an ERISA-regulated self-funded employee welfare
27 benefit plan as defined in 29 U.S.C. §1002(1).
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4. At all relevant times, Plaintiff had health insurance coverage under the Cisco Systems Inc. Cigna Open Access Plus PPO-style plan (the “Plan”).

5. This Court has jurisdiction pursuant to 29 U.S.C. §1132(e) and 28 U.S.C. §1331.

7. This action arises from Plaintiff's request for Hematopoietic Stem Cell Transplant (HCST) for Inflammatory Multiple Sclerosis. This request was made by letter dated July 28, 2016 from Richard K. Burt, M.D., Chief, Division of Immunotherapy, Northwestern Medicine.

9. On August 25, 2016, Dr. Burt filed an expedited appeal on Plaintiff's behalf, indicating that Plaintiff had severe relapsing remitting multiple sclerosis and had been medically approved to be treated on a compassionate basis. Dr. Burt wrote that Plaintiff had failed conventional therapy and was actively having relapses despite treatment with Copaxone and steroids and had suffered disease progression despite standard therapy. Dr. Burt further stated that the treatment was medically necessary because it was required for the treatment of management of a medical symptom or condition, it was the most efficient service and it was the most economical service that could safely be provided.

13. Plaintiff requested an external appeal, and a fourth and fifth level appeal, all of which were denied.

16. Plaintiff is entitled to the benefits she requested under the Plan.

2. For costs and reasonable attorneys' fees incurred;

3. For post judgment interest on the foregoing amounts; and
4. For such other relief as the Court deems just and proper.

Dated: December 7, 2017

KANTOR & KANTOR, LLP
LISA S. KANTOR

By: /s/ Lisa S. Kantor
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